

1 STEPHEN T. KAM (Cal. Bar No. 327576)  
2 Email: [kams@sec.gov](mailto:kams@sec.gov)  
3 SARAH S. NILSON (Cal. Bar No. 254574)  
4 Email: [nilsons@sec.gov](mailto:nilsons@sec.gov)  
5 WENDY E. PEARSON (Cal. Bar No. 211099)  
6 Email: [pearsonw@sec.gov](mailto:pearsonw@sec.gov)

7 Attorneys for Plaintiff  
8 Securities and Exchange Commission  
9 Katharine Zoladz, Regional Director  
10 Brent Wilner, Associate Regional Director  
11 Douglas Miller, Regional Trial Counsel  
12 444 S. Flower Street, Suite 900  
13 Los Angeles, California 90071  
14 Telephone: (323) 965-3998  
15 Facsimile: (213) 443-1904

16  
17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**  
19 **Western Division**

20  
21 SECURITIES AND EXCHANGE  
22 COMMISSION,

23 Plaintiff,

24 vs.

25 ANDREW LEFT, AND  
26 CITRON CAPITAL, LLC,

27 Defendants.

28 Case No. 2:24-cv-06311-SPG(JCx)

**PLAINTIFF SECURITIES AND  
EXCHANGE COMMISSION'S  
RESPONSE TO DEFENDANTS' *EX  
PARTE* APPLICATION TO FILE  
ENLARGED BRIEF**

1 Plaintiff Securities and Exchange Commission (“SEC”) files this Response to  
2 the Defendants’ *Ex Parte* Application to File Enlarged Brief, filed on September 26,  
3 2024.

4 The Defendants’ application seeks leave for the parties’ briefing on the motion  
5 to dismiss to “contain[] an additional 3,000 words.” The SEC disagrees with a  
6 number of the characterizations in the Defendants’ *ex parte* application, including  
7 that “[t]his is the SEC’s first-ever enforcement action alleging fraud by omission  
8 based on the allegation that a publisher of truthful information about companies must  
9 also disclose private trading strategy with the truthful information published” and that  
10 “[t]he Complaint raises novel questions of law that require an enlarged word count to  
11 brief.” The SEC also disagrees that the Complaint’s allegations are “inconsistent  
12 with Federal Rule of Civil Procedure 9(b)’s requirement to plead fraud with  
13 particularity.” More importantly, none of the reasons provided in the Defendants’  
14 application justify their request for *ex parte* relief.

15 This Court’s Standing Order provides that “Memoranda of points and  
16 authorities in support of or in opposition to motions shall not exceed twenty-five (25)  
17 pages. Replies shall not exceed fifteen (15) pages.” This Court’s Standing Order  
18 does not impose a specific word limit, and L.R. 11-6.1 provides that “*except as  
19 otherwise provided in this rule or ordered by a judge*, no memorandum of points and  
20 authorities, pretrial brief, trial brief, or posttrial brief may exceed 7,000 words ...”  
21 (emphasis added.) Defendants therefore seek an exception to a rule that does not  
22 apply in this case, as their application does not indicate whether their brief will  
23 exceed 25 pages.

24 In any event, the Court’s Standing Order sets a very high bar for granting this  
25 request and Defendants have not shown good cause to justify either an increase to the  
26 word limit or the page limit of the memoranda of points and authorities in support of  
27 the parties’ briefing on the motion to dismiss. *See* Court’s Civil Standing Order at 11  
28 (“Only *rarely* and *for good cause* shown will the Court grant an application to extend

these page limitations.”) (emphasis added).

Nonetheless, if the Court believes that Defendants have shown that some increase is warranted, the SEC does not oppose an increase of 1,500 words, or no more than five additional pages, for both the Defendants' motion to dismiss and the SEC's opposition (but not Defendants' reply papers), which will avoid unnecessary excess.

Dated: September 27, 2024

---

*/s/ Stephen T. Kam*  
STEPHEN T. KAM  
Attorney for Plaintiff  
Securities and Exchange Commission

1 **PROOF OF SERVICE**

2 I am over the age of 18 years and not a party to this action. My business address is:

3 U.S. SECURITIES AND EXCHANGE COMMISSION,  
4 444 S. Flower Street, Suite 900, Los Angeles, California 90071  
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

5 On September 27, 2024, I caused to be served the document entitled **PLAINTIFF  
SECURITIES AND EXCHANGE COMMISSION'S RESPONSE TO  
DEFENDANTS' EX PARTE APPLICATION TO FILE ENLARGED BRIEF** on  
6 all the parties to this action addressed as stated on the attached service list:

7  **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for  
8 collection and mailing today following ordinary business practices. I am readily  
9 familiar with this agency's practice for collection and processing of correspondence  
for mailing; such correspondence would be deposited with the U.S. Postal Service on  
the same day in the ordinary course of business.

10  **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s),  
11 which I personally deposited with the U.S. Postal Service. Each such envelope was  
12 deposited with the U.S. Postal Service at Los Angeles, California, with first class  
postage thereon fully prepaid.

13  **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility  
14 regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los  
Angeles, California, with Express Mail postage paid.

15  **HAND DELIVERY:** I caused to be hand delivered each such envelope to the  
16 office of the addressee as stated on the attached service list.

17  **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated  
18 by United Parcel Service ("UPS") with delivery fees paid or provided for, which I  
deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at  
Los Angeles, California.

19  **ELECTRONIC MAIL:** By transmitting the document by electronic mail to  
the electronic mail address as stated on the attached service list.

20  **E-FILING:** By causing the document to be electronically filed via the Court's  
21 CM/ECF system, which effects electronic service on counsel who are registered with  
the CM/ECF system.

22  **FAX:** By transmitting the document by facsimile transmission. The  
23 transmission was reported as complete and without error.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Date: September 27, 2024

*/s/ Stephen T. Kam*

26 STEPHEN T. KAM

*SEC v. Andrew Left, et al.*  
**United States District Court—Central District of California**  
**Case No. 2:24-cv-06311-SPG(JCx)**

## **SERVICE LIST**

James W. Spertus  
Lindsey Hay  
Mario Hoang Nguyen  
Spertus, Landes, & Umhofer LLP  
1990 South Bundy Drive, Suite 705  
Los Angeles, CA 90025

*Attorneys for Defendant Andrew Left and Citron Capital, LLC*